

COMMISSIONERS APPROVAL

CHILCOTT 

THOMPSON 

LYONS 

PLETTENBERG (Clerk & Recorder)

Date.....March 9, 2007

Members Present.....Commissioner Greg Chilcott,
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Glenda Wiles

The Commissioners met to discuss and decide the adoption of the district regulations for the Yerian-Mihara Voluntary Zoning District. Present at this meeting were Planning Projects Coordinator Jennifer DeGroot and Planning Director Karen Hughes. Numerous residents of the proposed district were also present.

Jennifer presented back ground information on this proposed Resolution noting the Commissioners adopted Resolution No. 1972 on September 5th which created the Yerian-Mihara Voluntary Zoning District. The Planning and Zoning Commission adopted Resolution No. 07-02 on February 22nd which adopted the district standards. Changes were made due to the public meeting held on February 22nd, which amended the set backs from 25' to 75'. Four comments were received since February 22nd. Comments included showing disfavor of the guest houses, and wanting to reduce the setback requirement.

Resident Jim Shadney commented on the guest home; stating it is not a good idea to allow a second house, because 'sooner or later' that second house will turn into a rental.

Resident Lynn James stated she does not care about the second home and knows it has to go through subdivision review before it is allowed. She is opposed to the fact that the posting was not properly done and she could not zone herself out of the proposed district. In regard to the February 22nd meeting, she did not notice anything about home occupations, but found the zoning language within paragraph #1 for home occupations. Her covenants do not read the same way as this requirement. She moved to this location in order to live in the country and according to this paragraph she could not even put up a sign to notice she has horses. She also noticed she can not even park a truck or horse trailer unless it is covered. She commented that dust can not be created nor noise; and that is silly because they live on a gravel road. She stated some of the wording is up for interpretation. She asked what happens if she has donkeys and they make noise. Would she be precluded to have donkeys? This zoning changes her covenants and she does not like it.

In regard to the inadequate posting, she stated the meeting date prior to January was not adequately noticed, thus she was not present and had no say in this zoning.

Earl Phillips also addressed the inadequate posting of the first meeting. He agreed with Lynn. In the initial proposal, the goal was to make the zoning support the least restrictive covenants of the area. Earl relayed as Lynn stated, this zoning is now more restrictive than the covenants.

Public comment was then closed.

Commissioner Thompson addressed Lynn's comments. In regard to the zoning district, it speaks to home occupations and sign size. He noted it is okay to have a sign for a ranch, if it is a home occupation. Under noise, etc. that should go under home occupations; it would not refer to the gravel road. In regard to raising cattle, he asked if that is a home occupation, as he does not think that is restricted.

Karen stated home occupations for residential is particularly described. One way is to add agricultural activities so it is not part of the home business restrictions. In regard to the vehicles, that too should be clarified under agricultural.

Commissioner Chilcott stated he thought the idea was to maintain this as an agricultural community, and if so, they need to make sure the interpretations are tightened up.

Commissioner Thompson suggested they make it clear that agricultural uses are not infringed upon. Commissioner Thompson also addressed the 50' setback. He felt 75' was too excessive but no one objected to that distance. Now the residents feel 75' is too excessive.

Karen stated there are several sets of covenants and the all have different set back provisions. They go from 23' to 50' to 75'. Lynn James stated her set back is 75' and she wants to keep that.

Commissioner Chilcott stated the more restrictive of the two will be held. Lynn will be held to 75' due to her covenants, but if the Commissioners approve 50', then those that have 25' will now have 50'.

Lynn stated covenants are held up by the residents but zoning is enforced by the county, so who wins out? If she is restricted to 9 acre lots then she will want that 75' buffer.

Commissioner Thompson stated there needs to be some type of set back. 75' for each side seems excessive but this is not his neighborhood. He received three separate letters addressing setbacks and second homes.

John asked if anyone had a building closer than 75'. Earl stated they have a house closer than 50'. Jim stated all of these existing buildings will be grandfathered in.

Karen noted they do not want to interfere with the maintenance of the existing structures and that particular section should be changed.

John Horwich stated what ever is more restrictive on the set backs should be utilized and the neighbors can enforce the setbacks if they chose to do so. The petition they circulated was at 25'.

Commissioner Chilcott stated Lynn is 'giving in' on allowing 9 acres and others need to 'give in' on the set back. Lynn confirmed she does not want anyone encroaching into her space.

Commissioner Lyons stated he does not want to make that call on the set backs himself so the neighbors need to come to a consensus.

Commissioner Chilcott stated he did not think 75' was excessive on a 9 acre lot. He stated it would be if it was a one acre lot. He agreed this should be a neighborhood decision.

Jim asked if it could be worded to show the setbacks were the same as the covenants.

Karen stated it is possible to do that, but it is unique to do that. The usual idea is to go for uniformity within a zoning district. If you create non conforming issues, you need to avoid that as it affects the value of the land.

The neighbors then took a few minutes to discuss the set backs amongst themselves.

Jim stated he and his wife do not care. Earl's family wants the 50' and Lynn James wants the 75'.

Commissioner Chilcott stated the county wants to come up with one size fits all as it makes it easier for the county to enforce and setbacks need to be addressed within the regulations.

Commissioner Chilcott addressed the posting issue. He asked for some background. Karen stated the process for legal review outlines the notification requirements (noting they need to change those to be more stringent than the state). The original meeting was done through a standard public meeting notice of 48 hours. She agreed there needs to be more notice in place for this process. The public hearing for the Planning & Zoning Commission was expanded to include legal and regular mail notifications. For this meeting, they did the 48 hour notice plus they added another mailing. Karen indicated they have talked about adding in the publication of the Resolution to Create so residents would know about the protest period. The minimum requirements of state law are sparse, and they did 'boost' it up due to their concerns.

Commissioner Chilcott addressed the issue of signs. He stated his concerned about the realtors/construction people. If they drive a company vehicle home, and it has a realtor sign in front of the home, it actually constitutes a violation. Karen stated signs are for home based business. They could add in vehicle signage. Lynn noted the owner of DJ's Electric lives across the street from her and he has numerous trucks with his signs on them.

Lynn stated that section should be taken out as it is too restrictive. Karen stated the home occupation provision was a boiler plate from other regulations. She noted home occupations are a difficult thing to deal with, but they can amend that section for this zoning district. She also noted they could strike #5 (from Exhibit A). Lynn stated 1-5 should be stricken all together. She felt these are city restrictions for country living.

Lynn asked who measures the traffic to each house. Karen stated it is 8 trips per day and it is based on the National Safety Institute.

Under the Home Occupation paragraph on Exhibit A the Board concurred to leave in #1.

Alex Beal stated it would be difficult to enforce #4 for traffic. Karen stated that has to be left in as it is one of the biggest complaints and the hardest to enforce. It was agreed by residents to strike #4.

John stated if you leave 1, 2 & 3 and they deal with home based business, you could then strike 4, 5 & 6. The Board concurred to remove 4, 5 & 6.

In regard to non conforming uses, such as the second home, the person would still need to go through subdivision review. The residents did not want to allow a second house as it was not allowed in their covenants. They want the county to enforce that as the more restrictive.

Under #3-A; (development pattern) it was agreed to strike the wording 'construction of guest home' which was the last sentence.

In reviewing the set back issue again, Commissioner Thompson proposed the 50' set back. Commissioner Lyons asked if Lynn could live with 50'. She stated she does not like it but if it would get this done and stop wasting time she would agree to that. She also suggested they include the following language/or changes:

- No permitted guest homes
- 50' set back
- Home occupations: strike 4, 5, & 6
- Home occupations description: live stock should be changed to agricultural
- On the Non Conforming Paragraph; to allow maintenance, providing the structure is not expanded

Commissioner Thompson made a motion to approve of the Yerian-Mihara Voluntary Zoning District Regulations based on the findings of fact and as agreed upon by the

Commissioners this day. Commissioner Lyons seconded the motion and all voted "aye".
See Resolution No. 2039.

In other business, the Board addressed the addendum received for the PB S & J contract for ground water monitoring at the airport. This addendum reflects the cap of \$10,000 being spent on the new monitoring requirement.